

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**INDEMNITY INSURANCE COMPANY :**  
**OF NORTH AMERICA a/s/o** : **CIVIL ACTION**  
**SPRINGFIELD TOWNSHIP SCHOOL** :  
**DISTRICT,** :  
    **Plaintiff,** :  
        :  
    **v.** :  
        :  
**GROSS-GIVEN MANUFACTURING** :  
**COMPANY and RIH, INC. f/k/a ROWE** :  
**INTERNATIONAL, INC.** : **No. 08-3**  
    **Defendants.** :

**ORDER**

AND NOW, this 16<sup>th</sup> day of September, 2009, upon consideration of Defendant's motion for summary judgment, Plaintiff's cross-motion for summary judgment, and the responses thereto, and for the reasons contained in the Court's Memorandum dated September 16, 2009, it is hereby ORDERED that:

1. Defendant's Motion for Summary Judgment (Document No. 21) is GRANTED in part and DENIED in part as follows:
  - a. The motion is DENIED as to the strict liability and product warranty claims.
  - b. The motion is GRANTED as to the negligence claim.
2. Plaintiff's Motion for Partial Summary Judgment on the issue of successor liability (Document No. 26) is GRANTED in part and DENIED in part as follows:
  - a. The motion is GRANTED as to the strict liability and product warranty claims.

b. The motion is **DENIED** as to the negligence claim.

**BY THE COURT:**

A handwritten signature in blue ink, appearing to read "Berle M. Schiller".

---

**Berle M. Schiller, J.**